

RCE ✓
IPW

DOCKET NO. C1039.70048US00

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995. See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/818,918
Confirmation Number	4953
Filing Date	March 27, 2001
First Named Inventor	Krieg et al.
Group Art Unit	1635
Examiner Name	Jane Zara

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, **you** may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) instead of an RCE to be eligible for the patent term adjustment provisions of the AIPA.

1. Submission required under 37 C.F.R. § 1.114

a. Previously submitted

- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on .
(Any unentered amendment(s) referred to above will be entered.)
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on .
- iii. ☐ Other:

b. Enclosed is/are:

- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other: Postcard

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of ____ months. (Period of suspension shall not exceed 3 months) and the Fee of **\$130.00** under 37 C.F.R. § 1.17(i) is enclosed.
- b. ☐ Other:

3. Fees - The RCE fee under 37 C.F.R. §1.17(e) is required by 37 C.F.R. §1.114 when the RCE is filed.

- a. ☒ Enclosed is a check in the amount of \$1006.00 which covers:
 - i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)
 - ii. ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
 - iii. ☒ Other: Claims fee for new claims in excess of twenty

4. If the filing of this RCE necessitates an extension of time under 37 CFR §1.136(a), the applicant hereby requests such extension of time.

5. If there is no check enclosed, or if the amount of the enclosed check in this RCE is incorrect, the Director is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 23/2825.

6. CORRESPONDENCE ADDRESS

☒ Direct all correspondence to the below-mentioned customer number

CUSTOMER NUMBER:
23628

7. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

NAME

Alan W. Steele, Reg. No. 45,128

SIGNATURE

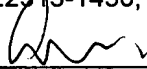


DATE

19 August 2004

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to **MAIL STOP RCE**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 19th day of August, 2004.



Alan W. Steele, M.D., Ph.D.



DOCKET NO.: C1039.70048US00

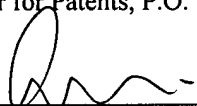
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Krieg et al.
Serial No.: 09/818,918
Confirmation No.: 4953
Filed: March 27, 2001
For: IMMUNOSTIMULATORY NUCLEIC ACID
MOLECULES

Examiner: Jane J. Zara
Art Unit: 1635

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Alan W. Steele, M.D., Ph.D., Reg. No. 45,128

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE

Sir:

This paper is filed in response to the Office Action made final and mailed December 17, 2003, in the above-referenced matter, and is a submission filed as part of a Request for Continued Examination (RCE) under 37 C.F.R. §1.114, filed herewith. A shortened statutory period for response to the Office Action was set to expire three months from the mailing date of the Office Action. A petition for a two-month extension of time, up to and including May 17, 2004, along with a Notice of Appeal and the required fee, were mailed on May 17, 2004. The Notice of Appeal mailed on May 17, 2004, was received at the Patent Office on May 19, 2004. An Appeal Brief has not been filed in this application. A petition for a one-month extension of time, up to and including August 19, 2004, along with the required fee, are submitted herewith.

Please enter the following.

08/24/2004 SSITHIB1 00000032 09818918

03 FC:1202

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08/24/2004 SSITHIB1 00000032 09818918

110.00 0P

02 FC:1251

Amendments to the claims begin on page 3 of this paper.

Remarks begin on page 7 of this paper.

Summary begins on page 10 of this paper.